

Date

Audrey Veal Pugh
1220 Elysian Drive
Baton Rouge, Louisiana 70810

Re: Ethics Board Docket No. 2021-152

Dear Ms Pugh:

The Louisiana Board of Ethics, at its May 7, 2021 meeting, considered your request for an advisory opinion as to whether your provision of services through your business to public and private entities would be a violation of the Louisiana Code of Governmental Ethics.

FACTS PROVIDED

You are currently a part-time employee of the Louisiana Department of Education (“LDE”) as an Education Program Consultant 1 in the Office of Teaching and Learning. You are also the Executive Director of a business, Youth Character Camp LLC (“YCC”), which would like to provide services offering youth summer camps. In offering these camps, YCC may contract with local school boards. YCC may also seek federal and state grants.

Your position at YCC is compensated, and you would also like to have family members work for YCC for compensation.

YCC is not regulated by LDE.

LAWS

La. R.S. 42:1112B(3) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

La. R.S. 42:1111C(1)(a) prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are: (d) Neither performed for nor compensated by any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant’s agency.

ANALYSIS

You would be prohibited under La. R.S. 42:1112B(3) from participating as an LDE employee in any transaction in which YCC has a substantial economic interest.

To the extent that the services provided by YCC are devoted substantially to the work you do at LDE, you would be prohibited under La. R.S. 42:1111C(1)(a) from receiving compensation from YCC for the provision of such services.

Also, you would be prohibited under La. R.S. 42:1111C(2)(d) from receiving compensation from YCC if it is seeking funding from the Office of Teaching and Learning within LDE.

With respect to family members being compensated by YCC, this would not be an issue under the Code of Governmental Ethics.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you to serve as a compensated officer of YCC while simultaneously employed by LDE, provided that (1) you do not participate as an LDE employee in any transaction in which YCC has a substantial economic interest, (2) your work as executive director of YCC is not devoted substantially to your work for LDE, and (3) YCC is not seeking funding from LDE.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.

